

product. Support for claim 16 as amended is found in the specification as filed on page 20, lines 16-21. Claim 17 has been canceled without prejudice and claims 19 has been amended in order to expedite prosecution. Amended claim 19 is now drawn to a composition comprising the monoclonal antibody 6B2-2. Claim 21 has been amended per Examiner's request to correspond to the corrected copy of the claim as filed on 3 April 2002. Entry and reconsideration of the claims as amended is respectfully requested.

Claims 2, 5, 14-16, 19, 21, 27-28 are under examination.

Withdrawal of the rejections of claims 2, 5, 15-17, 19, 21 and 27-18 under 35 U.S.C. 112, first and second paragraph as discussed by Examiner is respectfully acknowledged.

Claims 17 and 19 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly not enabled. Claim 17 has been canceled. Claim 19 has been amended and is now drawn to a composition comprising the monoclonal antibody 6B2-2. The claims as amended are believed to be enabled.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 21 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The claim as amended corresponds to the marked-up copy as submitted in the 3 April 2002 response. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2, 5, 14-17, 19, 21 and 27-28 stand rejected under 35 U.S.C. §102(a) as allegedly anticipated by Bavari et al. (Vaccine, November 1998, Vol. 16 No. 19, pages 1850-1856). This rejection is traversed in view of the following.

Bavari et al. was published within one year of the filing date of the present application, and is the inventors' own. The accompanying unsigned Declaration verifies this information and is believed to remove this reference as prior art. An executed Declaration will be forthcoming. As this document is not properly citable against the present application, reconsideration and withdrawal of the rejection are respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made in Claims".

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This application is believed to be in condition for allowance and notice to that effect is respectfully solicited.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231, on December 12, 2002.

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Version with Markings to Show Changes Made in Amended Claims

IN THE CLAIMS

14. A method for detecting BoNT/A, said method comprising:

(i) incubating a sample with an effective amount of [at least] one or more monoclonal [antibody] antibodies against BoNT/A, said monoclonal antibodies comprising 6B2-2, under conditions which allow the formation of an antibody-BoNT/A complex; and

(ii) detecting the antibody-BoNT/A complex wherein the presence or absence of the complex indicates the presence or absence of BoNT/A in the sample.

16. (Amended). A method for detecting BoNT/A according to claim 15 wherein, said sample is water, [biologicals] a biological sample, [pharmaceuticals] an environmental sample, or a food product.

19 (amended). A [pharmaceutical] composition comprising the monoclonal antibody of claim 2 [in a concentration sufficient to inhibit botulism poisoning, together with a pharmaceutically acceptable carrier].

21. (amended). A kit for detecting BoNT/A in a biological sample, said kit comprising:

(1) a container [holding at least one] having [monoclonal antibody selected from the group consisting of MAb4A2-2] MAb 6B2-2 [, and MAb 6C2-2]; and

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(2) instructions for using the antibody for the purpose of binding to BoNT/A to form an immunological complex and detecting the formation of the immunological complex such that presence or absence of immunological complex correlates with presence or absence of BoNT/A in said sample.